

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Meeting Date: Wednesday, April 14, 2021
Meeting Time: 9:00 a.m.
Meeting Place: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, 2 nd Vice Chairperson	Present
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

3.0 Introductions

Guests Present:

Terry Burton, Enterprise Lumber & Silo
Kelley Culp-Burton, Enterprise Lumber & Silo
Joy Kuebler, Enterprise Lumber & Silo
Jeff Robbins, Rubberform Recycled Products
Scott Miller, Scott Lawn Yard, 8297 Packard Road LLC
Tyler Brent, Brent Industries, 9745 Rochester Road LLC
Jim Fink, Business First

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Project Manager
Julie Lamoreaux, Administrative Assistant
Mark J. Gabriele, Agency Counsel

4.0 Mr. Wolfgang led the Pledge of Allegiance.

5.0 Approval of NCIDA Meeting Minutes

5.1 Meeting Minutes of March 10, 2021

Mr. Ross motioned to approve the meeting minutes; Mr. Wolfgang seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables

Mr. McCabe stated that the monthly payables have been reviewed and found to be in order.

Mr. McCabe made a motion to approve the monthly payables; Mr. Ross seconded the motion. The motion passed.

6.2 Budget Variance Report

Mr. McCabe stated that the reports have been reviewed and found to be in order.

Mr. McCabe made a motion to approve the reports; Mr. Ross seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 AMP Real Estate Holdings of Erie County LLC

Ms. Klyczek stated that a public hearing was held on April 6, 2021 at North Tonawanda City Hall. In attendance was the Director of Real Property for Niagara County and the Assessor for the City of North Tonawanda. There were no comments.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF AMP REAL ESTATE HOLDINGS OF ERIE COUNTY, LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION,

7.1.1 Final Resolution (Continued)

CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

Mr. Wolfgang made a motion to approve the Final Resolution; Mr. Krempa seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 Enterprise Lumber & Silo, LLC

Ms. Klyczek stated that Enterprise Lumber & Silo, LLC is the real property holding company owned by the principles of KCB Architecture P.C. and Joy Kuebler Landscape Architect P.C. They are planning to rehab the building at 211 Main Street into Class A professional office space and occupy 40% of the building and 40% to be leased to other professional firms. The principals, Ms. Culp-Burton and Ms. Kuebler, were present to answer any questions regarding the project.

Ms. Culp-Burton informed the Board that the current building at 211 Main Street is an 18,000 sq ft former lumber mill and it has been abandoned for 5 years. The property is in a brownfield area and the company has been working with the DEC since they purchased it in 2016. They recently received their approval letter for the work plan from the DEC and can now move ahead with the project.

Ms. Culp-Burton stated the building will be approximately 6,200 sq ft with the option of a phase two with an additional 5,000 sq ft. Images of the new building were shown to the Board. The principal’s businesses will share 3,600 sq ft of space and will have a high-end design that will be a welcoming environment to commercial and residential customers. Their plan is to have the property Net Zero as most homes they design have Net Zero aspects.

8.1 Enterprise Lumber & Silo, LLC (continued)

Ms. Kuebler noted that, in conjunction with their brownfield clean up, they had an opportunity to look at green infrastructure as a methodology to handle all storm water onsite. All storm water will be handled onsite through permeable pavement, as well as a rain garden. In addition, Enterprise Lumber has applied for a consolidated funding application from the Environmental Facilities Corp. for a Green roof.

The Board had some questions regarding any further issues with the project moving forward and environmental concerns. Ms. Culp-Burton and Mr. Burton confirmed that they have successfully affirmed sources of funding. Ms. Kuebler confirmed they are following the guidelines and work plan of the DEC to clean the brownfield area before proceeding with the project.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF ENTERPRISE LUMBER & SILO, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF ENTERPRISE LUMBER & SILO, LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Krempa made a motion to approve the Preliminary Resolution; Mr. Brydges seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing

Mr. Cliffe motioned to authorize the Public Hearing; Mr. Scott seconded the motion. The motion passed.

8.2 Rubberform Recycled Products, LLC

Ms. Klyczek stated Rubberform Recycled Products, LLC is located at 75 Michigan Street in the City of Lockport and currently lease this property. They are looking to purchase the facility and do some significant upgrades. Mr. Jeff Robbins is present to address any questions.

Mr. Robbins explained that Rubberform expects a multi-phase project over the next 5- 10 years. They have grown significantly over the last few years and do not have enough space for current operations and they expect continued growth. The project will include moving into an additional 20,000 sq ft building next door. The move will allow more capability at the location so they can keep the work in Niagara County and create more jobs.

8.2.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF RUBBERFORM RECYCLED PRODUCTS, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF RUBBERFORM RECYCLED PRODUCTS, LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. Wolfgang made a motion to approve the Preliminary Resolution;
Mr. McCabe seconded the motion.***

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.2 Rubberform Recycled Products, LLC (continued)

8.2.2 Authorize Public Hearing

Mr. McCabe motioned to authorize the Public Hearing; Mr. Cliffe seconded the motion. The motion passed.

8.3 8297 Packard Road, LLC

Ms. Klyczek stated that 8297 Packard Road LLC operates as Scott Lawn Yard which provides a wide variety of services. Scott Lawn Yard created Landscape Associates of WNY (LAWNY), which is a maintenance division of the company.

Over the last two years, LAWNY has grown significantly. They are operating from three different locations. This new construction would allow them to consolidate all the locations and purchase additional equipment. Mr. Miller was present to answer any questions.

Mr. Miller stated the location is currently a vacant lot at the corner of Packard and Haseley Roads, across the street from the company's main location. The new building will house office space and a warehouse for LAWNY. There was some discussion regarding job retention and current properties.

8.3.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF 8297 PACKARD ROAD, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 8297 PACKARD ROAD, LLC FOR ITSELF OR ON BEHALF OF AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Scott made a motion to approve the Preliminary Resolution;

Ms. Candella seconded the motion.

8.3 8297 Packard Road, LLC (continued)

8.3.1 Preliminary Resolution (continued)

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa				X (momentarily left room)

The Resolution was thereupon duly adopted.

8.3.2 Authorize Public Hearing

Mr. Wolfgang motioned to authorize the Public Hearing; Ms. Candella seconded the motion. The motion passed.

8.4 9745 Rochester Road, LLC

Ms. Klyczek stated that Brent Industries is the home of two large online retail stores, KJ Motorsports and Outdoor Furnace Supply. Both entities are large worldwide e-commerce distributors. They currently operate in Middleport and are looking to construct a new 107,000 sq ft facility for their distribution and assembly operations at 9745 Rochester Road. There will be job creation as they are expecting to hire 12 full-time employees. Mr. Brent was present for any questions.

Mr. Brent gave more information in regard to the types of products each business specializes in and that they currently have two locations, Middleport and Medina. They would like to bring both operations into one new facility on Rochester Road. The project would be a state-of-the-art warehousing, distribution and assembly facility that would allow continued growth. There was further discussion regarding job retention and creation.

8.4.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF 9745 ROCHESTER ROAD LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 9745 ROCHESTER ROAD LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE

8.4 9745 Rochester Road, LLC (continued)

PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. McCabe made a motion to approve the Preliminary Resolution; Mr. Ross seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.4.2 Authorize Public Hearing

Mr. Cliffe motioned to authorize the Public Hearing; Mr. Brydges seconded the motion. The motion passed.

8.5 Cataract Tourism Fund

Ms. Klyczek stated that on March 26th there was a meeting of the committee for the Cataract Tourism Fund and there were two projects presented. The Committee would like to recommend the following grants.

8.5.1 Savarino Companies, LLC on behalf of 324 Niagara Street Landlord, LLC

Ms. Klyczek informed the Board that the first project was for Savarino Companies, LLC on behalf of 324 Niagara Street Landlord, LLC and mentioned that this project came before the Board in 2016 and was approved. There were some delays, but they can now proceed and are resubmitting their application. The project entails ten market rate apartments ranging in size from 690 to 1,090 square feet along with 4,000 square feet of retail storefront space. They are actively working with some retail entities to fill those spaces. Ms. Klyczek stated they also have funding from USA Niagara of \$145,000 and from the City of Niagara Falls for \$200,000.

8.5.1 Savarino Companies, LLC on behalf of 324 Niagara Street Landlord, LLC (continued)

Mr. Ross made a motion to approve the Cataract Tourism Fund Grant for Savarino Companies LLC; Mr. Scott seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.5.2 Buffalo Niagara Hospitality Inc.

Ms. Klyzcek stated that Buffalo Niagara Hospitality, Inc. started their operation renting bicycles at the corner of Old Falls Street. They have expanded into a property on Third Street. They are looking to the grant fund for some financial assistance to purchase 40 new electric scooters, four electric bikes and four tandem bicycles.

Mr. Ross made a motion to approve the Cataract Tourism Fund Grant for Buffalo Niagara Hospitality Inc; Mr. Brydges seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.6 Niagara County Center for Economic Development

Ms. Barone stated that there are currently two offices with temporary walls that we want to make permanent. The Niagara County Department of Public Works assisted in drawing up the plans and an RFP for the construction. Upon our review of the proposals staff recommends the low bid from D.R. Chamberlain.

8.6.1 Award of Contract for Office Reconfiguration

Mr. Cliffe made a motion to approve D.R. Chamberlain as contractor for office reconfiguration; Mr. Krempa seconded the motion. The motion passed.

8.7 Young Men’s Christian Association of Buffalo Niagara

Mr. Gabriele stated this is an old bond issued by Niagara Area Development Corporation. He explained that due to some provisions built within the bond documents and that relate to COVID regarding due dates and certain capital requirements, the agreement needs to be modified. Because NADC was the issuer, the company needs Board consent to modify the agreement.

8.7 Young Men’s Christian Association of Buffalo Niagara (continued)

8.7.1 Amendment to Bond Purchase and Loan Agreement

RESOLUTION AUTHORIZING THE EXECUTION OF A BOND MODIFICATION AGREEMENT RELATED TO THE \$9,700,000 NIAGARA AREA DEVELOPMENT CORPORATION REVENUE BONDS (YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA), SERIES 2017 (THE "BONDS")

Mr. Wolfgang made a motion to approve amendment; Mr. McCabe seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.8 Vincent Properties, Inc.

Mr. Gabriele stated this is an old bond issued by Niagara Area Development Corporation. He explained that due to some provisions built within the bond documents and that relate to COVID regarding due dates and certain capitol requirements, the agreement needs to be modified. Because NADC was the issuer, the company needs Board consent to modify the agreement.

8.8.1 Amendment to Bond Purchase and Loan Agreement

RESOLUTION AUTHORIZING THE EXECUTION OF A BOND MODIFICATION AGREEMENT RELATED TO THE \$11,520,000 NIAGARA AREA DEVELOPMENT CORPORATION TAX-EXEMPT REVENUE BONDS (VINCENT PROPERTIES, INC. PROJECT), SERIES 2016 (THE "BONDS")

Ms. Candella made a motion to approve amendment; Mr. Cliffe seconded the motion.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Mr. Gabriele noted to the Board that the Paris Reporting is a long process each year and the NCIDA staff, particularly Mike Dudley and Carrie Caruso, did a great job of completing the process within the deadline.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next: NCIDA/NCDC/NADC Board Meeting:

DATE: MAY 12, 2021

TIME: 9:00 a.m.

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

***Mr. Onesi made a motion to adjourn; Mr. Wolfgang seconded the motion.
The meeting adjourned at 9:55 a.m.***

Respectfully submitted:

Reviewed by:

Approved by:

Susan L. Barone
Project Manager

Susan C. Langdon
Executive Director

William L. Ross
Secretary